

**ORIGINAL**

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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 JAMES W. PENGILLY, a Nevada resident,

2:14-cv-01463-RFB-NJK

10 Plaintiff(s),

(Removed from Eighth Judicial  
 District Court, Clark County, Nevada,  
 Case No. A-14-695263-C)

11 v.

12 NEVADA ASSOCIATION SERVICES, INC.,  
 13 a Nevada corporation; MARK A. STUHMER,  
 a Nevada resident; DOUGLAS L. CROOK, a  
 14 Nevada resident; BILL BLANCHARD, a  
 Nevada resident; KENNETH R. SAILLEY, a  
 15 Nevada resident; ERIKA GEISER, a Nevada  
 resident; KE ALOHA HOLDINGS, LLC, a  
 Nevada Limited Liability Company; DOES I  
 through X, inclusive; and ROE  
 16 CORPORATIONS I through X, inclusive,

**STIPULATION AND ORDER TO  
 SET ASIDE DEFAULT AGAINST  
 GREEN TREE SERVICING LLC**

17 Defendants.

KE ALOHA HOLDINGS, LLC, a Nevada limited liability company,

### **Counterclaimant,**

V.

JAMES W. PENGILLY, an individual;  
AMANDA M. PENGILLY, an individual;  
JAMES W. PENGILLY and AMANDA M.  
PENGILLY, as trustees of the James W.  
Pengilly Trust, dated September 22, 2003;  
GREEN TREE SERVICING LLC, a Delaware  
Limited Liability Company; UNITED STATES  
INTERNAL REVENUE SERVICE; BANK  
OF AMERICA, a National Association; and  
any and all other persons unknown claiming  
any right, title, estate, lien or interest in the  
Property adverse to the Plaintiff's ownership,  
or any cloud upon Plaintiff's title thereto  
(DOES 1 through 10, inclusive);

#### Counterdefendants.

COMES NOW, GREEN TREE SERVICING, LLC (“Green Tree”), by and through its attorneys of record, Brooks Hubley, LLP, and KE ALOHA HOLDINGS, LLC (hereinafter “Ke Aloha”), and hereby stipulate and agree to a binding Court order as follows:

## RECITALS

1. Plaintiff James W. Pengilly filed this action in the Eighth Judicial District Court, Clark County, Nevada, as Case No. A-14-695263-C;

2. Ke Aloha filed a Counterclaim in this action against Green Tree in the Eighth Judicial District Court, Clark County, Nevada on June 24, 2014;

3. This matter was removed to this Court on September 11, 2014;

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1           4. Ke Aloha filed a Request for Entry of Clerk's Default against Green Tree  
2 on April 30, 2015;

3           5. A Default was entered against Green Tree on April 30, 2015, and

4           6. The parties wish to set aside the Default to allow Green Tree to respond to  
5 Ke Aloha's Counterclaim.

6           **STIPULATIONS**

7           IT IS HEREBY STIPULATED between Ke Aloha and Green Tree that the Default  
8 entered against Green Tree be set aside; and

9           Green Tree has twenty (20) days from the entry of this order to file its response to  
10 Ke Aloha's Counterclaim.

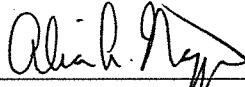
11          Dated this 8<sup>th</sup> day of May, 2015.

12          GREENE INFUSO, LLP

13            
14          Michael V. Infuso  
15          Zachary P. Takos  
16          3030 South Jones Blvd., Suite 101  
17          Las Vegas, Nevada 89146  
18          *Attorneys for Ke Aloha Holdings, LLC*

19          Dated this 12<sup>th</sup> day of May, 2015.

20          BROOKS HUBLEY, LLP

21            
22          Michael R. Brooks  
23          Alia A. Najjar  
24          1645 Village Center Circle, Suite 200  
25          Las Vegas, Nevada 89134  
26          *Attorneys for Green Tree Servicing LLC*

27           **ORDER**

28          Based upon the above and foregoing Stipulation between Ke Aloha Holdings, LLC  
29 and Green Tree Servicing LLC, and good cause appearing:

30          IT IS HEREBY ORDERED that the Default entered against Green Tree Servicing  
31 LLC on April 30, 2015, is set aside; and

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1 IT IS FURTHER ORDERED that Green Tree has twenty (20) days from entry of  
2 this order to file a response to Ke Aloha's Counterclaim.

3 DATED this 31st day of May, 2015.

4 ORDER  
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6 IT IS SO ORDERED:

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RICHARD F. BOULWARE, II  
United States District Judge